

Attorney's Docket No. 3419-032151

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PETITION TRANSMITTAL LETTER

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application No.: 10/712,917 Filing Date: November 13, 2003  
Examiner: None Assigned Group Art Unit: None Assigned  
Invention: "Electricity Generating System Having An Annular Combustor"

Transmitted herewith is a Petition Under 37 CFR §1.182 for Questions Not Specifically Provided For in the above-identified application.

       No additional fee is required.  
  X   The fee has been calculated as shown below:

No. of Claims After Amendment	Highest No. Previously Paid For	Present Extra	Small Entity Rate	Non-Small Entity Rate	Charge
Total			x \$ 9.00	x \$ 18.00	\$
Indep.			x \$ 43.00	x \$ 86.00	\$
First Presentation of Multiple Dependent Claim/s			+ \$145.00	+ \$290.00	\$
TOTAL ADDITIONAL FEE FOR CLAIMS					\$ <u>0</u>

Petition Fee Under 37 CFR 1.17(h) \$ 130.00

       A check in the amount of \$        is enclosed to cover the filing fee.  
  X   The Commissioner is hereby authorized to charge payment of \$130 associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. An original and two copies of this sheet are enclosed.  
  X   Any additional filing fees required under 37 CFR 1.16.  
  X   Any patent application processing fees under 37 CFR 1.17.

Dated: May 4, 2004

By James Porcelli  
James G. Porcelli  
Registration No. 33,757  
Attorney for Applicant/s  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450 on May 5, 2004.

Patricia S. Cunningham  
(Typed name of person mailing paper)

Patricia S. Cunningham  
Signature Date: May 5, 2004





**REISSUE PATENT APPLICATION**

Application No. 10/712,917

Atty. Docket No. 3419-032151

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group Art Unit Not Assigned Yet :  
In re Application of :  
**J. Michael TEETS et al.** : **ELECTRICITY GENERATING**  
 : **SYSTEM HAVING AN ANNULAR**  
Application for Reissue of : **COMBUSTOR**  
U.S. Letters Patent No. 6,314,717 :  
Issued November 13, 2001 :  
Application No. 10/712,917 :  
Filing Date – November 13, 2003 :  
Examiner – Not Assigned Yet :  
Pittsburgh, Pennsylvania  
May 4, 2004

**PETITION UNDER 37 CFR §1.182 FOR QUESTIONS NOT SPECIFICALLY**  
**PROVIDED FOR**

Mail Stop Petition  
Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Incomplete Reissue Application Filed Under 37 CFR 1.53(b) dated April 20, 2004 and included herewith as Attachment A, this petition requests the inclusion of inadvertently omitted unamended drawings from the original patent to the above identified reissue application and to retain the original filing date of November 13, 2003 for this reissue application.

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## **BACKGROUND**

On November 13, 2001 United States Patent No. 6,314,717 entitled "Electricity Generating System Having An Annular Combustor" issued, included herewith as Attachment B.

On the two year anniversary, November 13, 2003, a broadening reissue application was filed with all parts except the drawings, which were inadvertently omitted.

On April 22, 2004 the Attorney for Applicants received the Notice of Incomplete Reissue Application Filed Under 37 CFR 1.53(b) (Attachment A) stating the application was deposited without drawings. These drawings are necessary for the understanding of the invention.

Included with the reissue filing, which occurred on November 13, 2003, were the following documents:

- 1) Reissue Patent Application Transmittal;
- 2) Reissue Application Fee Transmittal Form;
- 3) Specification and Claims in Double Column Format;
- 4) Reissue Declaration With Power of Attorney;
- 5) Consent of Assignee;
- 6) Statement Under 37 CFR 3.73(b) with copy of Recorded Assignment;
- 7) Information Disclosure Statement;
- 8) Form PTO/SB/08A;
- 9) Copy of Each Non-U.S. Patent Reference Cited in IDS;
- 10) Preliminary Amendment; and
- 11) Check in the Amount of \$3,056 to cover filing fee.



Although the drawings are generally understood to be part of the specification, they were inadvertently omitted from the papers described in Item Number 3 above.

### DISCUSSION

Reissue practice is very technical and few individuals file reissue applications on a regular basis. Therefore, the likelihood of inadvertent errors is higher than in some other areas of patent law. Such an error occurred with the subject reissue application.

Under 37 CFR 1.173 an application for reissue must contain the entire specification, including the claims, and the drawings of the patent. The unamended drawings from the original patent were not submitted with the reissue application.

The Attorney for the Applicants now seeks, under the authority of the Director, entry of these drawings while retaining the original filing date of November 13, 2003 for the reissue application.

The omission of these drawings was an inadvertent omission on behalf of the Attorney for Applicants'. A Declaration stating that is included herein as Attachment C.

The following are reasons the drawings should be admitted as part of the reissue application filed November 13, 2003.

1. In the paragraph beginning on the eleventh (11<sup>th</sup>) line of the Reissue Declaration And Power Of Attorney, included herewith as Attachment D, the two inventors state they have reviewed and understand the contents of the above-identified specification, including the drawings, specification and claims of United States Patent Number 6,314,717, as amended by any amended referred to above, which refers directly



to the Preliminary Amendment that accompanied the original filing of the Reissue Application.

2. Although the drawings were not physically submitted, there are numerous references to the drawings in the reissue application so that it is apparent the drawings are part of the application.

3. In particular, the written portion of the specification, which was submitted with the reissue application filing, clearly describes in The Brief Description Of The Drawings section found in columns 2 and 3 details of the Figures included with the reissue application. Furthermore, this written specification is abundant with references to figures and reference numbers associated with these figures.

4. Throughout the entire Description of the Preferred Embodiments beginning in Column 3 and ending in Column 17 of the reissue application, there are continuous references to the figures and, by way of reference numbers, to items within the figures. Therefore, the subject matter of the drawings is largely supported by the description of these drawings in the written specification.

5. The present application seeks a reissue of United States Patent No. 6,314,717 and the drawings associated with the reissue application are unamended from and identical to the drawings associated with the original patent.

6. A statement that the reissue patent application includes 18 claims and 15 sheets of drawings is found on the lower right-hand corner of the front page of the patent specification for United States Patent 6,314,717, which page was submitted with the application.

Therefore it is apparent that drawings were used in the preparation of this reissue application, that they are an integral part of the specification and that the inventors



reviewed these drawings.

For these reason the Attorney for Applicants' requests the inclusion of the inadvertently omitted unamended drawings from the original patent to the above identified reissue application and the retention of the original filing date of November 13, 2003 for this reissue application.

### **REQUEST FOR EQUITABLE CONSIDERATION**

Lastly, but most importantly, the Attorney for Applicants' believes entry of these drawings is appropriate because if these drawings are not entered into the application with the retention of the November 13, 2003 filing date, this broadening reissue application will become abandoned. Although the Notice of Incomplete Application Filed Under 37 CFR 1.53(b) indicated drawings would be accepted within two-months from the date of the Notice, the filing date would be the date such drawings were received. The subject application, since it is a broadening reissue, may not be filed beyond the two year anniversary of the issue date of the parent application, which was November 13, 2001. Therefore, it is not possible to submit drawings and receive a filing date based upon the receipt of those drawings. The Attorney for Applicants' believes the penalty of losing the original filing date is a disproportionate penalty for this inadvertent omission.

### **CONCLUSION**

The Attorney for Applicants respectfully requests that the enclosed drawings in United States Patent Number 6,314,717, included with this Patent which is found herein as Attachment B, be made part of the reissue application file and that the



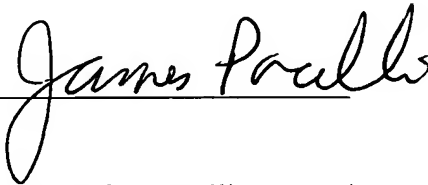
filing date of November 13, 2003 be retained with the reissue application.

Furthermore, the Commissioner for Patents is hereby authorized to charge Deposit Account No. 23-0605 in the amount of \$130, which is the petition fee under 37 CFR § 1.17(h).

The Commissioner for Patents also is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON  
ORKIN & HANSON, P.C.

By 

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**REISSUE PATENT APPLICATION**

Application No. 10/712,917

Atty. Docket No. 3419-032151

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group Art Unit Not Assigned Yet :

In re Application of :

**J. Michael TEETS et al. :** **ELECTRICITY GENERATING  
SYSTEM HAVING AN A  
ANNULAR COMBUSTOR**

Application for Reissue of :  
U.S. Letters Patent No. 6,314,717  
Issued November 13, 2001 :

Application No. 10/712,917 :

Filing Date – November 13, 2003 :

Examiner – Not Assigned Yet :

Pittsburgh, Pennsylvania  
May 4, 2004

**DECLARATION**

I, James G. Porcelli, declare as follows:

1. I am a lawyer admitted to practice in the Commonwealth of Pennsylvania and admitted to practice before the United States Patent and Trademark Office (USPTO). My registration number to practice before the USPTO is 33,757.

2. I have been practicing patent law for 14 years. I am currently a shareholder with the law firm of Webb Ziesenheim Logsdon Orkin and Hanson, where I have been employed for the past 6 years.

3. I prepared and filed Reissue Patent Application Number 10/712,917 on November 13, 2003.

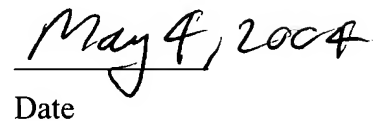


4. Although the written specification and the claims were filed with the reissue application in the appropriate double column format, I did not send the drawings or a request to transfer the drawings from the original patent.

5. This failure to file the drawings was an inadvertent omission on my behalf.

6. I declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
James G. Porcelli

  
Date



## REISSUE DECLARATION AND POWER OF ATTORNEY

J. MICHAEL TEETS and JON W. TEETS declare:

We are each citizens of the United States of America.

J. Michael Teets is a resident of Hobe Sound, Florida, County of Martin, whose post office address is 5225 Inkwood Drive, Hobe Sound, Florida 33455.

Jon W. Teets is a resident of Scottsdale, Arizona, County of Maricopa, whose post office address is 7556 E. Sweetwater Avenue, Scottsdale, Arizona 85260.

We believe ourselves to be the original, first and joint inventors of the subject matter which is described and claimed in Letters Patent No. 6,314,717, granted on November 13, 2001 and for which invention we solicit a reissue patent on the invention for which the specification and a Preliminary Amendment are attached hereto.

We have reviewed and understand the contents of the above identified specification, including the drawings, specification and claims, as amended by any amendment referred to above.

We do not know and do not believe that the same was ever known or used in the United States before our invention thereof.

We acknowledge our duty to disclose information of which we are aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

We verily believe U.S. Patent No. 6,314,717 (hereinafter "the patent") to be wholly or partly inoperative or invalid by reason of the patentees claiming less than we had a right to claim in the patent. These errors, which are being corrected up to the time of the filing of this application, arose without any deceptive intent on the part of the Applicants. We solicit a reissue patent to correct these errors.

All of these errors are corrected by amendment to the specification and drawings in this reissue application.

At least one error upon which reissue is based is described below.

Specifically, during a recent review of the scope of the patent, it was discovered that the legal scope of protection afforded by the claims of the patent was not as great as it could have been if additional method claims associated with the apparatus claims were included in the original application.

Furthermore, during a recent review of the scope of the patent, it was discovered that the legal scope of protection afforded by the claims of the patent was not as great as it could

have been if unnecessary features and details of the invention had not been included in the claims. In particular, claim 1 includes features of the fuel metering valve which unnecessarily narrow the claim.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint William H. Logsdon, Registration No. 22,132; Russell D. Orkin, Registration No. 25,363; David C. Hanson, Registration No. 23,024; Frederick B. Ziesenheim, Registration No. 19,438; Richard L. Byrne, Registration No. 28,498; Kent E. Baldauf, Registration No. 25,826; Barbara E. Johnson, Registration No. 31,198; Paul M. Reznick, Registration No. 33,059; John W. McIlvaine, Registration No. 34,219; Julie W. Meder, Registration No. 36,216; Lester N. Fortney, Registration No. 38,141; Randall A. Notzen, Registration No. 36,882; James G. Porcelli, Registration No. 33,757; Kent E. Baldauf, Jr., Registration No. 36,082; Christian E. Schuster, Registration No. 43,908; Nathan J. Prepelka, Registration No. 43,016; Jessica M. Schroth, Registration No. 47,102; Kirk M. Miles, Registration No. 37,891; J. Matthew Pritchard, Registration No. 46,228; Darrell E. Williams, Registration No. 45,222; Alka A. Patel, Registration No. 49,092; Philip J. Foret, Registration No. 51,689; Patricia A. Olosky, Registration No. 53,411; Alexander Detschelt, Registration No. 50,261; and Gwen R. Acker Wood, Registration No. 51,027, whose post-office address is 700 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219-1818, Telephone No. 412-471-8815, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, to amend the specification, to appeal in case of rejection, as they may deem advisable, to receive the patent when granted and generally to do all matters and things needful in the premises, as fully and to all intents and purposes as I could do.

All correspondence and telephone calls should be addressed to Richard L. Byrne.

I hereby subscribe my name to the foregoing specification and claims, declaration and power of attorney this 13<sup>th</sup> day of Nov, 2003.

Inventor J. Michael Teets  
J. Michael Teets

I hereby subscribe my name to the foregoing specification and claims, declaration and power of attorney this 13 day of Nov, 2003.

Inventor Jon W. Teets  
Jon W. Teets

(W0090341.1)



UNITED STATES PATENT AND TRADEMARK OFFICE

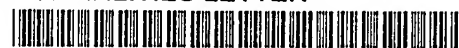
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 Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/712,917	11/13/2003	J. Michael Teets	3419-032151

Webb Ziesenheim Logsdon Orkin & Hanson, P.C.  
 700 Koppers Building  
 436 Seventh Avenue  
 Pittsburgh, PA 15219-1818

CONFIRMATION NO. 2361

## FORMALITIES LETTER



\*OC000000012395037\*

Date Mailed: 04/20/2004

## NOTICE OF INCOMPLETE REISSUE APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

✓ Nathaniel R. Hayden

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE